

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jordan § Examiner: Sisson, Bradley
Appl. Ser. No. 09/613,903 § Art Unit: 1634
Filed: July 11, 2000 § Atty. Dkt. No.: IVGN 187.1 CON
Title: NUCLEIC ACID LADDERS § Confirmation No.: 1446

AMENDMENT/RESPONSE FILED WITH RCE RESPONSIVE TO NON-FINAL OFFICE

ACTION OF MAY 27, 2009

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed **May 27, 2009**, Applicants respectfully request consideration of the accompanying response in accordance with 37 CFR §1.111. Reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below in which:

- Amendments to the Specification** begin on page ____ of this paper.
- Amendments to the Claims** are reflected in the listing of the claims which begins on page 3 of this paper.
- Amendments to the Drawings** begin on page ____ of this paper and include an attached replacement sheet.
- Remarks** begin on page 7 of this paper.

The above-captioned application is presently on appeal to the Board of Patent Appeals and Interferences ("Board"). As of today's date, May 23, 2010, **Applicants hereby request that the Board withdraw the appeal.** Concurrently, Applicants hereby request that prosecution of the instant application be re-opened pursuant to 37 C.F.R. § 1.114(d), and submit herewith a Request for Continued Examination (RCE) - Form PTO/SB/30EFS under 37 C.F.R. §1.114. The RCE is accompanied by a response to the last outstanding Office Action and the corresponding fee set forth under 37 C.F.R. 1.17(e). It is believed that this RCE is proper under 37 C.F.R. § 1.114, as it is filed after appeal to the Board, but prior to a decision on the appeal. Amendments and Remarks accompanying this RCE are responsive to the last outstanding Office Action (mailed May 27, 2009) within the meaning of 37 C.F.R. § 1.111.

The extendable due date for filing an Appeal Brief/Response to the most recent Office Action, under a two-month shortened statutory period, is **January 23, 2010**. Applicants therefore hereby petition for a **four (4)-month extension** of time under 37 C.F.R. § 1.136(a), thereby extending the due date for response to **May 23, 2010**. In association therewith, Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-3994 in the amount of **\$1,730.00**, the fee set forth under 37 C.F.R. § 1.17(a)(4). Applicants do not believe that any additional fees are due in connection with the filing of this paper. However, in the unlikely event that any such fees are due, the Commissioner is hereby authorized to charge the same to Deposit Account No. 50-3994, with reference to our matter IVGN 187.1 CON.